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FEB 27 1996

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of:

TUCHOLSKI ET AL

S.N. 07/641,394

Special Program
Office

#42 (N/A)

Filed Jan. 15, 1991

For: BATTERY WITH TESTER LABEL

PETITION FOR ACCESS TO PENDING APPLICATION FILE
PER 37 CFR 1.14(e)

Hon. Commissioner of Patents and Trademarks,
Washington, DC 20231

Sir:

RECEIVED
FEB 23 1996
OFFICE OF PETITIONS
AND TRADEMARKS

The above-identified application, still pending, is involved in **Interference No. 103,036** with five (5) additional patents or applications. Of these, the non-interference prosecution of four (4) cases, namely two patent and two pending reissue applications, are routinely open to the public.

Access to the above-identified application to inspect and copy as desired only the PTO file wrapper contents (and not any interference papers) is respectfully requested and is believed proper, as:

(1) Issued Patent 5,223,003 to Tucholski et al is a continuation-in-part of the subject pending Tucholski et al application S.N. 07/641,394. See copy of the face page of Patent 5,223,003 attached. In order to assess the merits of issued patent 5,223,003, it is clearly necessary to know its relationship to, and the prosecution of, the subject parent application S.N. 07/641,394.

(2) Parent application S.N. 07/641,394 itself is already open to the public by virtue of **European Appln. 495,636**, wherein subject application S.N. 07/641,394 is the priority document for the European case. Copy of the face page of EP 495,636 is attached.

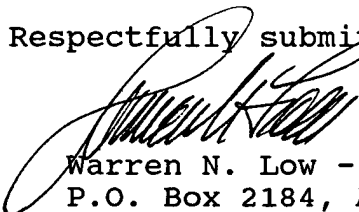
(3) As the public is aware of the essential disclosure of S.N. 07/641,394 by virtue of the European application, and that its teachings per 35 USC 120 form a basis for subject matter in CIP Patent 5,223,003, it is evident that access to such prosecution as has occurred in the parent pending application, including Examiner's remarks, cited references, and applicants' arguments that exist in the file are needed to form a complete picture of the merits and strength of copending patent 5,223,003.

Accordingly, release of the subject application file only from Intf. No. 103,036 for inspection and copy without removal thereof from the Interference Branch is requested.

Notwithstanding the public reliance by applicants and the assignee upon the legally beneficial relation of Patent 5,223,003 to S.N. 07/641,394 per 35 USC 120, it is understood that a \$130.00 petition fee is nonetheless required. Kindly charge the fee to PTO Account 12-2230. Further, per MPEP §103, a copy of this petition is served herewith by mail on the assignee shown on the face of the patent, as noted below.

Accordingly, granting of the petition is deemed as proper in the premises, and is respectfully solicited. Please telephone the undersigned should the Examiner have any question. Thank you.

Respectfully submitted,



Warren N. Low - Reg. No. 18,849
P.O. Box 2184, Arlington VA 22202
Local Phone 979-4870

Date: February 23, 1996

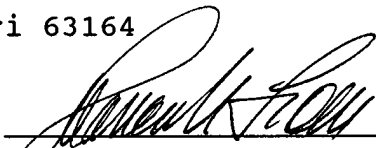
(Attachment: Certificate of Service)

CERTIFICATE OF SERVICE

The undersigned certifies that a complete copy of the aforesaid PETITION FOR ACCESS TO PENDING APPLICATION FILE PER 37 CFR 1.14(e), including attachments, was mailed first class mail this day to the assignee indicated on the face of Patent 5,223,003 at the address indicated on EP 495,636, namely:

Eveready Battery Company, Inc.
Checkerboard Square
St. Louis, Missouri 63164

February 23, 1996



Warren N. Low - Reg. No. 18,849
Petitioner